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OFFICE OF PETITIONS

In re Application of
Moore et al.
Patent Number: 7,565,642
Issue Date: 07/21/2009
Application No. 10/639674
Filing or 371(c) Date: 08/11/2003
Attorney Docket Number: D 11973-007001

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: DECISION ON
: APPLICATION FOR
: PATENT TERM ADJUSTMENT
: and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on September 21, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand six hundred sixteen (1616) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand six hundred sixteen (1616) days is **GRANTED to the extent indicated herein**.

As to the "B" delay, the period is 951 days, not 952 days. This period begins on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a), and ends on July 21, 2009, the date the patent issued, or 1075 days, but not including the number of days beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31, and ending on the date of mailing of the non-final Office action, April 15, 2008, or 124 days. See, 35 U.S.C. 154(b)(1)(C)(iii). Thus, the "B" delay period is 951 (1075 days – 124 days), not 952 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand five hundred ninety-seven (**1587**) days.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.



Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,565,642 B2

DATED : July 21, 2009

INVENTOR(S) : Moore et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1017 days.

Delete the phrase "by 1017 days" and insert – by 1587 days--